

REMARKS

This amendment is submitted in response to the Office Action mailed on 11 July 2005
5 and further to the Advisory Action mailed on 13 December 2006. This Amendment is accompanied by a Petition for an Additional 2-Month Extension of Time and requisite fee to extend the due date to 11 January 2006. A Petition for 1-Month Extension of time and the requisite fee was earlier filed. Reconsideration of the claims with an eye toward allowance is respectfully requested.

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Applicant notes that the examiner has indicated that Claims 2-10, 15-20, 22-25, and 27 are allowed. Claim 37 was objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Without admitting the propriety of the rejection of the base claim,
15 Applicant has amended claim 37 to place it in independent form and trusts that the rejection or objection to claim 37 will be withdrawn and that each of Claims 2-10, 15-20, 22-25, 27, and 37 will be passed to allowance.

Without admitting the propriety of the rejection to Claims 1, 11-14, 28-36, and 38-43,
20 Applicant has cancelled these claims without prejudice to pursue in a related continuation application so that the allowed claims may pass unencumbered to allowance.

The examiner has provided a statement of reasons for allowance of at least some of the allowed claims prior to the submission of the instant amendments and remarks. Applicant
25 submits that while the statement by the examiner represents one possible reason for allowance, other patentable distinctions are presented that differentiate the claimed invention from Jones et al and therefore that other bases of patentability pertain to the claims already identified as being allowable as well as to the other pending claims. Any one of these different patentable distinctions alone or in any combination provide a basis for patentability.

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Applicant has also amended the drawings to correct a typographical error beginning at page 5, line 11, wherein the phrase "an analog-to-digital converter" is replaced by the phrase --a digital-to-analog converter--. Applicant submits that it is clear from the description that digital-to-analog converter is required to convert the "digital signals from the space-time encoder" to "analog signals" which are "upconverted to radio frequency" as described in the specification.

Additionally, Applicant has amended Figure 6 to correct a typographical error wherein one instance of the mathematical expression $r_1(t)$ is replaced with $r_2(t)$ to conform to the description in the specification and claims as originally filed. A substitute drawing sheet and a drawing sheet showing the proposed amendment are attached following the signature page of this Amendment.

In view of the foregoing, it is respectfully submitted that the claims of record and currently pending in the application are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

While Applicant believes that no further fees are due at this time, the Commissioner is authorized to charge any fees that may be due as a result of filing this Amendment, including additional claims fees or fees for dependent claims converted into independent form not already paid for, fees for any Petitions for Extension of Time to maintain the application in pending state, or other fees that have not been separately paid, to Deposit Account 50-2319 (Order No. A-69116/RMA (468330-1288)).

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Applicant submits the pending claims are in condition for allowance, and notification of such is respectfully requested. If after review, the Examiner feels there are further unresolved issues, the Examiner is requested to call the undersigned at (650) 857-1717 to discuss how the application may be put into condition for allowance given the allowable subject matter.

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Respectfully submitted,

DORSEY & WHITNEY LLP

By



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R. Michael Ananian, Reg. No. 35,050
Attorney for Applicants
Filed under 37 C.F.R. §1.34(a)

Customer No. 32940
555 California Street, Suite 1000
15 San Francisco, California 94104-1513
Tel.: (650) 857-1717
Fax: (650) 857-1288

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Amendments to the Drawings:

An amendment to Figure 6 of the drawings wherein one instance of the mathematical expression $r_1(t)$ is replaced with $r_2(t)$ to conform to the description in the specification and claims as originally filed. A substitute drawing sheet and a drawing sheet showing the proposed amendment are attached following the signature page of this Amendment.